TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 162.

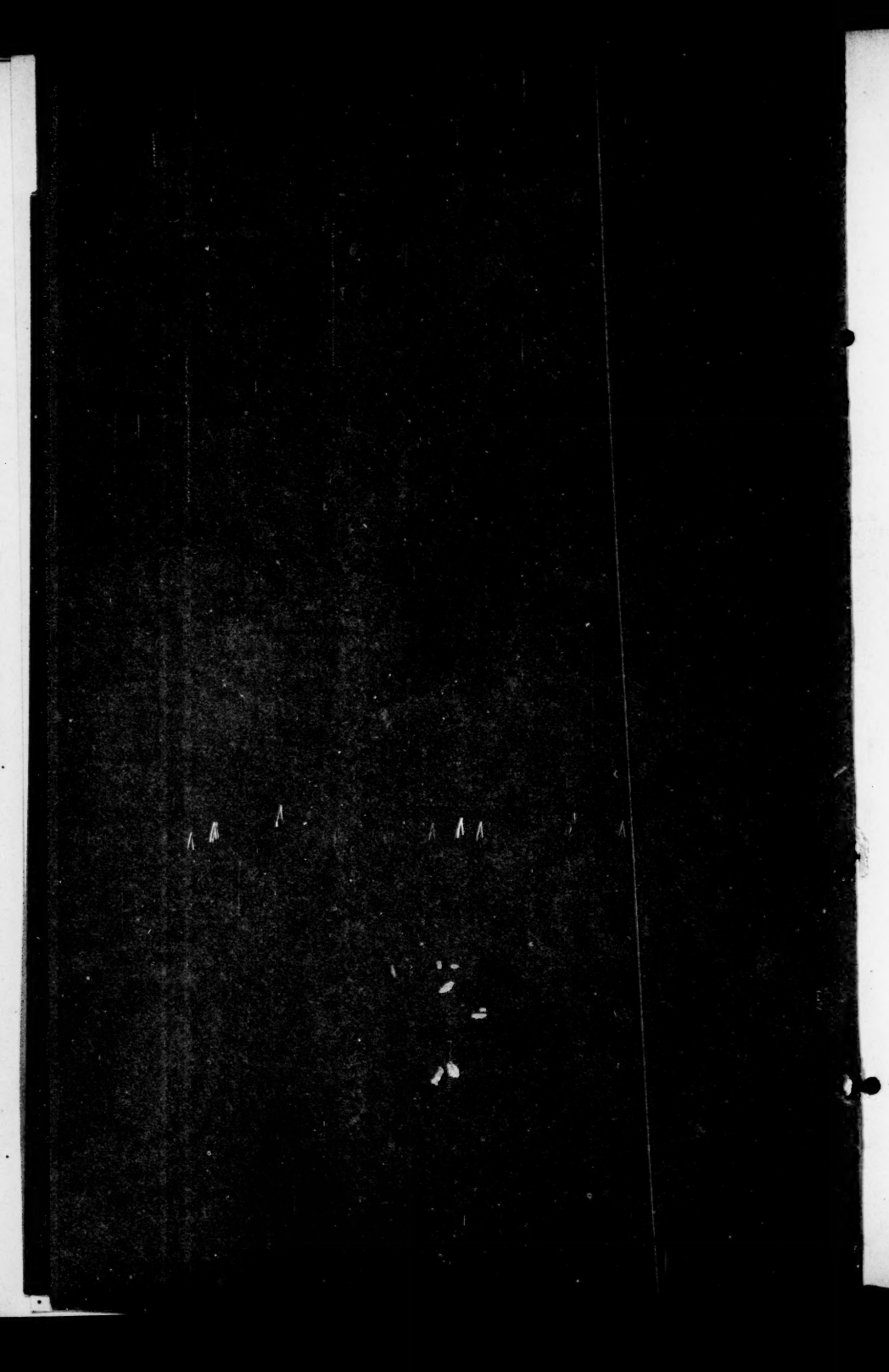
THE UNITED STATES, APPELLANTS,

vs.

ZACHARY TAYLOR.

APPEAL FROM THE COURT OF CLAIMS.

FILED OCTOBER 6, 1875.



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INDEX.

	Original.	Print.
Petition	1	1
Traverse	2	1
Final judgment by the court	3	2
Application for an appeal by defendants	4	2
Order allowing same	4	2
Findings of fact by the court	5	2
Opinion of the court	6	3
Certificate	7	3

1 *Petition.—Filed Feb.* 20, '73.—*J. R.*

In the U. S. Court of Claims.

ZACHARY TAYLOR
vs.
THE UNITED STATES. } 6871.

The petition of Zachary Taylor respectfully represents to this honorable court:

That he is a citizen of the United States, and that he has always borne true allegiance to the Government of the same; that heretofore, to wit, on the 1st day of July, 1866, he was a messenger of the supreme court of the District of Columbia, and as such received for the year from July 1, 1866, to July 1, 1867, the sum of $339, as pay for the discharge of the duties of said position, and also became entitled to the sum of $67.80, under the joint resolution of Congress of February 28th, 1867, allowing twenty per cent. extra compensation to persons in the civil service of the United States. Proof of the appointment of petitioner, and certificate of the First Comptroller of the Treasury of the amount received by him as compensation during the year from July 1, 1866, to July 1, 1867, are filed herewith and asked to be taken as part hereof.

That the Interior Department is the Executive Department having jurisdiction of said claim, and that the petitioner made application to said Department for the payment of his said extra compensation, which was refused.

That the said claim has never been assigned, nor has any part thereof, nor any interest therein.

The petitioner prays for judgment against the United States for $67.80, in accordance with the act of Congress above referred to.

ZACHARY TAYLOR.

RIDDLE & MILLER,
Attorneys for Claimant.

COUNTY OF WASHINGTON,
District of Columbia, ss:

The above-named Zachary Taylor, being duly sworn, says that the statements set forth in the above petition are true; that no transfer or assignment of said claim, or of any interest therein, has been made; that he believes he is justly entitled to the amount claimed in said petition, and that no credits or offsets exist against the same.

ZACHARY TAYLOR.

Subscribed and sworn to before me this 7th day of February, 1873.

R. J. MEIGS, *Clerk*,
By L. P. WILLIAMS,
Ass't Clerk.

2 In the United States Court of Claims, December term, A. D. 1872.

ZACHARY TAYLOR
vs.
THE UNITED STATES. } No. 6871.

And the said defendants, by their Attorney-General, come and make answer to the petition of claimant herein; and, not confessing the same,

or any part thereof, deny each and every the allegations therein contained, and call for strict proof of the same.

And as to so much of the said petition as sets forth and avers that the said United States are indebted to the said claimant in the sum of sixty-eight dollars and seventy cents, the said defendants say that they are not indebted to the said claimant in the said sum of money, nor any part thereof.

And as to so much of the said petition as avers that the said claimant has at all times borne true faith and allegiance to the Government of the United States, and never voluntarily aided, abetted, or given encouragement to rebellion against the said Government, the said defendants deny the said allegation.

JOHN GOFORTH,
Assistant Attorney-General.

Filed April 10, 1873.

3 In the Court of Claims.

ZACHARY TAYLOR
vs.
THE UNITED STATES. } 6871.

At a Court of Claims, held at the Capitol, in the city of Washington, the 17th day of May, A. D. 1875, judgment was ordered to be entered up as follows:

The court, upon the consideration of the premises, find in favor of the claimant, and do order, adjudge, and decree that the said Zachary Taylor, claimant, have and recover of and from the United States the sum of sixty-seven dollars and eighty cents.

By the court.

A true copy of record.

4 In the Court of Claims of the United States, Dec. term, 1874.

ZACHARY TAYLOR
vs.
THE UNITED STATES. } No. 6871.

From the judgment rendered in the above-entitled cause on May 17, 1875, in favor of the claimant, the defendants, by their Attorney-General, on the 8th day of July, 1875, make application for and give notice of an appeal to the Supreme Court of the United States.

THOMAS SIMONS,
Ass't Att'y-General.

Filed July 8, 1875.

AT CHAMBERS.

Allowed.

C. D. DRAKE, *C. J.*

5 United States Court of Claims, Dec. term, 1874.

ZACHARY TAYLOR
vs.
THE UNITED STATES.

The court finds the following facts:

1. The claimant was appointed by the marshal of the District of Columbia a messenger for the criminal court of the District, at a per diem

compensation while on duty. By reason of the adjournment of the court from some day in February, 1867, previous to the 28th of that month to some day in the following March, he was not on duty and was not paid on that day.

2. The claimant received for his services as such messenger for the days upon which he was on duty from the 30th of June, 1866, to the 1st of July, 1867, $339, but has been paid no additional compensation under the joint resolution of February 28, 1867. (14 Stat. at Large, 569.)

RETURN J. MEIGS *vs.* THE UNITED STATES.
ZACHARY TAYLOR *vs.* THE SAME.
HILLARY GRIMES *vs.* THE SAME.
WILLIAM A. MULLOY *vs.* THE SAME.

NOTT, J., delivered the opinion of the court:

The court remains of the opinion expressed in Huntington's Case, (8 C. Cl's R'p's, 495,) that the twenty per cent. resolution refers to clerks and employés in the executive branch of the Government, and does not extend to those of the judiciary. But as this decision extends to a class of persons whose counsel believes that they possess a legal right of action, but who have not the right, by reason of the smallness of the demand, to carry up the question, we render judgment pro forma for the purposes of an appeal in certain of them, in the belief that the Attorney-General will not be averse to carry the question to the Supreme Court in this manner.

The judgment of the court is that the claimant R. J. Meigs recover $400; the claimant Taylor, $67.80; the claimant Grimes, $90; the claimant Mulloy, $224.40.

In the Court of Claims.

ZACHARY TAYLOR
vs.
THE UNITED STATES. } No. 6871.

I, John Randolph, assistant clerk of the Court of Claims, do hereby certify that the foregoing are true transcripts of the pleadings in the above-entitled cause, and the final judgment of the court thereon, of the application of the Attorney-General for the allowance of an appeal, as filed in the clerk's office July 8, A. D. 1875, and of the order of the chief-justice of said court allowing the same, of the findings of fact by the court, and of the opinion of the court.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Washington, this seventh day of September, A. D. 1875.

[SEAL.] JOHN RANDOLPH,
Ass't Clerk Court of Claims.

(Indorsement on cover:) No. 162. The United States, appellant, vs. Zachary Taylor. Court of Claims. Filed 6th October, 1875.